IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 5TH DECEMBER 2007 / 14TH AGRAHAYANA 1929

W.P(C).No. 35426 of 2007(P)

PETITIONER:

1. **SRI.VIDYADHIRAJA MODEL TEACHERS TRAINING INSTITUTE, VENDAR P.O., KOTTARAKKARA, KOLLAM DIST, REPRESENTED BY THE MANAGER VENDAR G.BALAKRISHNA PILLAI.**

2. **SREE NARAYANA GURU MEMORIAL TEACHER TRAINING INSTITUTE, VALAMANGALAM SOUTH P.O., THURAVOOR, ALAPPUZHA DISTRICT, REPRESENTED BY THE MANAGER.P.SANAKAN.**

3. **THE MALABAR EDUCATIONAL & CHARITABLE TRUST, YOGASALA ROAD, KANNUR-670 001, REPRESENTED BY ITS DIRECTOR AND MANAGING TRUSTEE VALSAN MATATHIL.**

4. **R.B.M. TEACHER TRAINING INSTITUTE, PUNALUR, KARIYARA P.O. 691 332, REPRESENTED BY THE MANAGER SHANI.N.JAMAL.**

5. **NATIONAL T.T.I, KUTTIKONAM, KUNNICODE P.O., PIN-691 508, KOLLAM DISTRICT, REPRESENTED BY THE MANAGER A.SABITHA BEEVI.**

6. **M.S.M.EDUCATIONAL AND CHARITABLE TRUST, CHATHINAMKULAM, KOLLAM-691 014, REPRESENTED BY THE MANAGING TRUSTEE A.ABDUL SHEREEF.**

7. **BADHARIA INSTITUTE OF TEACHER TRAINING INSTITUTE, KUNDUMAN, VILICHIKALA P.O., KOLLAM, REPRESENTED BY THE MANAGER ABDUL RASHEED.**

8. **VIKRAM SARABHAI TEACHER TRAINING INSTITUTE, KAIPAMANGALAM, TRICHUR DISTRICT, REPRESENTED BY THE CHAIRMAN K.D.NEELANBARAN.**

9. **AL-RASHID TEACHERS TRAINING INSTITUTE, CHENGANACHERY, REPRESENTED BY THE DIRECTOR LAILA BEEVI.**

10. **M.V.TEACHER TRAINING INSTITUTE, MADHAVAVILASOM, CHAPPATH, CHOWARA P.O., THIRUVANANTHAPURAM 695501, REPRESENTED BY THE MANAGER B.JAYAPRAKASH.**

11. **PUSHPAGEETH SCHOOL FOR TEACHER EDUCATION (TTI), MADHAVAM FOUNDATION, ELIMALA, KOTTOOR P.O., THIRUVANANTHAPURAM, REPRESENTED BY THE MANAGER SANGEETH S.P.**

12. **KARUNYA TEACHER TRAINING INSTITUTE, VATTAVILA P.O., NEYYATTINKARA, THIRUVANANTHAPURAM REPRESENTED BY ITS MANAGER D.RAJEEV.**

BY ADV. SRI.GEORGE POONTHOTTAM

RESPONDENTS:

1. **STATE OF KERALA REPRESENTED BY THE SECRETARY TO GOVERNMENT, DEPARTMENT OF GENERAL EDUCATION, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.**

2. **THE DIRECTOR OF PUBLIC INSTRUCTION, THIRUVANANTHAPURAM-14.**

3. **THE DEPUTY DIRECTOR OF EDUCATION, THIRUVANANTHAPURAM.**

4. **THE DEPUTY DIRECTOR OF EDUCATION, KOLLAM.**

5. **THE DEPUTY DIRECTOR OF EDUCATION, KOTTAYAM.**

6. **THE DEPUTY DIRECTOR OF EDUCATION, ALAPPUZHA.**

7. **THE DEPUTY DIRECTOR OF EDUCATION, TRICHUR.**

8. **THE DEPUTY DIRECTOR OF EDUCATION, KANNUR.**

BY GOVT. PLEADER, SRI.I.V. PRAMOD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 01/12/2007, THE COURT ON 05/12/2007 DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.

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W.P.(C) No. 35426 OF 2007 P

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Dated this the 5th December, 2007

J U D G M E N T

The challenge in this writ petition is against Ext. P6 order of the Government declining to seek relaxation of the minimum eligibility in the higher secondary examination for admission to Teachers Training Course.

2. In so far as the petitioners herein are concerned, they are running self -financing teachers training institutes which have been duly recognised by the NCTE. It is stated that based on Ext. P1 Govt. Order and Ext. P2 notification issued by the Director of Public Instruction, petitioners had admitted students having 45% marks in the qualifying examination. It is also stated that subsequently, by Ext. P3 of the D.P.I; the Managers were instructed that the minimum eligibility for admission laid down in Ext. P2 shall be read as minimum 50% marks. The contention raised is that by the time Ext. P3 circular was received admissions were already completed and

therefore the petitioners should be permitted to maintain the admissions that are granted irrespective of the fact that the students concerned are having marks which are less than the minimum prescribed 50% marks.

3. This very issue was considered by a learned Single Judge of this Court in Ext. P5 judgment in W.P.(C) No. 21880/07. That was a writ petition filed by students who had less than 50% marks and were admitted for the T.T.C. The relief sought for was that they should be allowed to complete the course despite their ineligibility. In that judgment this Court had held that even if it was taken that the Government had committed a mistake the petitioners could not be granted relief as the minimum eligibility condition prescribed by the NCTE was 50% marks in the qualifying examination. This conclusion of the learned Single Judge was based on the reasoning that it is the regulation framed by the NCTE which governed the field and that the State Government cannot relax the standards prescribed by the NCTE. However, in view of the fact that the NCTE had the power to relax the conditions prescribed by their own regulations, including the minimum eligibility criterion for admission, the learned Single Judge directed that the State

Government will consider whether it is necessary to request the NCTE for relaxing the eligibility criteria in view of the peculiar situation obtained in the case. Accordingly, the State Government considered the issue and decided that as the State is not experiencing any dearth of candidates who possess 50% marks in Higher Secondary Examination it did not feel it necessary to seek any relaxation in the eligibility criteria regarding minimum marks. On this basis the Government decided that the requirement of minimum percentage marks in the qualifying examination for securing admission to TTC will continue to be 50%. It is this order (Ext. P6) that is sought to be challenged by the managements of the self-financing teachers training institutes.

4. As already noticed by me, the entitlement for relaxation of their ineligibility on account of lower marks was considered by this Court in the judgment referred to above. Therefore, the petitioners cannot get any positive direction from this Court in this proceedings as that judgment has become final and has been confirmed by a Division Bench of this Court in W.A. No. 2166 of 2007.

5. Therefore the only question that requires to be considered is whether the State Government committed any illegality in

deciding not to seek relaxation from the NCTE. The reason stated by the State Government is mainly that the State does not have dearth of candidates having the minimum 50% marks in the qualifying examination. Of course, the petitioners contend that the State in fact is having dearth of qualified candidates to be admitted for TTC, but I am inclined to accept the version of the State Government in this regard. State is having necessary statistics to support this reasoning and I have no reason to think that the State would have issued Ext. P6 without reference to such materials available with it. In any case petitioners have not placed any materials to conclude otherwise. Even otherwise, so long as the NCTE regulations prescribe 50% as the minimum, and this governs the field, the State has to go by the regulations so framed.

6. It will be against public policy to dilute minimum standards for the only reason that there is dearth of candidates. If dilution is the remedy in a situation like this, it might as well lead to a situation where the State may have to dispense with the system of prescribing minimum standards. Therefore, I am not in a position to find any illegality in the reasoning of the State in Ext. P6. Petitioners argued that DPI could not have modified the terms of

Ext.P1 Government Order. A reading of Ext.P1 shows that the Government had adopted and was following the norms of the NCTE. If that be so, in view of the amendment effected, by the NCTE, enhancing the minimum eligibility to 50%, the DPI cannot be faulted for implementing that amendment.

7. Moreover, a writ petition challenging the very same Government Order has been dismissed by this Court in W.P.(C) No. 34522/07.

For all these reasons, I do not find any merit in the writ petition and the writ petition will stand dismissed.

ANTONY DOMINIC
JUDGE

jan/-